



# PROTECTED ACTION BALLOT ORDER GRANTED BY FAIR WORK AUSTRALIA

Members further to Newsflash 25, we wish to advise that Fair Work Australia's Commissioner Cambridge yesterday ruled in favour of the RTBU to conduct a Protected Action Ballot. The order is attached for your information.

Members will be kept informed of Ballot arrangements as soon as they have been confirmed.

### Your EA Negotiating Team

Allan Nutley  
Wayne Pallant  
Greg Brooking  
Dale Walsham  
Greg Cameron  
Bob Hayden  
Steve Wright  
John Curley

**Are Your Details Up To Date**  
Members are reminded that it is vitally important that your mailing address, phone numbers & email address are up to date – Contact: Steve Wright at

**[swright@rtbu-nsw.asn.au](mailto:swright@rtbu-nsw.asn.au) or phone: 0418 699 642 to ensure everything is correct**

Do you want to receive updates sent directly to you? Email your personal email address (no work addresses) to:

**[swright@rtbu-nsw.asn.au](mailto:swright@rtbu-nsw.asn.au)**

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**For Information go to  
[www.locoexpress.com.au](http://www.locoexpress.com.au)  
click on PN EAs**

Authorised by Robert Hayden  
Locomotive Divisional Secretary NSW Branch  
Level 4, 321 Pitt Street Sydney NSW 2000



## **ORDER**

*Fair Work Act 2009*

s.437 - Application for a protected action ballot order

**Australian Rail, Tram and Bus Industry Union**

**v**

**Pacific National NSW Pty Ltd**

(B2012/2067)

COMMISSIONER CAMBRIDGE

SYDNEY, 3 DECEMBER 2012

*Proposed protected action ballot by employees of Pacific National NSW Pty Ltd.*

Pursuant to s.443 of the *Fair Work Act 2009* (the Act) Fair Work Australia (FWA) Orders:

**1. PROTECTED ACTION BALLOT TO BE HELD**

The Australian Rail, Tram and Bus Industry Union (RTBU) is to hold a protected action ballot of employees of Pacific National NSW Pty Ltd (Employer) described in clause 3 of this Order in relation to a proposed enterprise agreement.

**2. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT**

The ballot is to be conducted by the Australian Electoral Commission.

**3. GROUP OR GROUPS OF EMPLOYEES TO BE BALLOTTED**

The employees to be balloted are those employees employed by the Employer and who are members of the RTBU, who are covered by the *Pacific National Coal, NSW Enterprise Agreement 2009*.

**4. DATE BY WHICH BALLOT CLOSES**

The date by which voting in the protected action ballot is to close is 21 December 2012.

**5. QUESTIONS**

The question(s) to be put to voters in the ballot are:

“In supporting or advancing claims in relation to an enterprise agreement with Pacific National, Coal Division, do you endorse the taking of any and all protected industrial action separately, concurrently and/or consecutively in the form of the following:

- |   |           |
|---|-----------|
| 1. An indefinite number of stop work meetings of not less than 4 hours duration     | Yes / No  |
| 2. An indefinite number of 24 hour stoppages  | Yes / No  |
| 3. An indefinite number of 48 hour stoppages  | Yes / No  |
| 4. An indefinite number of rolling stoppages of at least 4 hours duration           | Yes / No  |
| 5. A ban on the operation of all coal trains with more than 2 operating locomotives | Yes / No" |

**6. POSTING OF ORDER**

The Employer shall cause a copy of this Order to be posted in prominent locations about the workplace.

**7. TERM AND DATE OF EFFECT**

This Order shall come into force from 3 December 2012 and shall remain in force for a period of one month unless varied or revoked by further Order of FWA.



COMMISSIONER

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